

RECEIVED  
CENTRAL FAX CENTER

DEC 06 2006

Application No. 10/665,500  
Amendment dated December 6, 2006  
Second Preliminary Amendment

Docket No.: 2450-0552P

REMARKS

Claims 1-10, 12 and 13 are now present in this application.

Claims 1 and 2 have been amended, claim 11 has been canceled without prejudice or disclaimer of the subject matter contained therein and claim 13 has been presented. Reconsideration of the application, as amended, is respectfully requested.

Claims 1-10 and 12 stand rejected under 35 USC 103 as being unpatentable over Wu, U.S. Patent 6,074,296, in view of Ferchau et al., U.S. Patent 4,899,254. This rejection is respectfully traversed.

Claim 11 stands rejected under 35 USC 103 as being unpatentable over Wu in view of Ferchau et al. and further in view of de Boeve et al., U.S. Patent 4,549,322. This rejection is respectfully traversed.

Initially, it is noted that the limitations of claim 11 have been incorporated into claim 1. If this change had been presented in an After Final Amendment, it is submitted that it would not have been entered for raising "new issues". In addition, new claim 13 has been presented. Again, such a change would not have been entered in an After Final Amendment. As such, if the Examiner is to give a rejection in the next Office Action, it is submitted that such a rejection could not be made final. Nonetheless, as will be explained below, it is submitted that this application is now in condition for allowance and therefore a further rejection is not anticipated.

The Wu patent discloses an arrangement similar to the prior art design shown in Fig. 1 of the application. As explained in the specification, such a design has problems. For example, the through holes can be deformed when screws are fastened thereto. The varying depth, stresses and deformation which occur to the fan structure are also different. As a result, the distance between the fan spindle and various corners can be different. When the fan rotates, the air pressure in various corners will be different. This causes a decrease in the heat dissipation performance. Eccentric vibrations can arise, especially in large fans. Aside from spindle generating vibration, abnormal noise can occur and malfunctions can happen. Over a period of time, the vanes tend to gather dust and they must be cleared to avoid affecting operation. The screws will be unfastened from the through holes, which can break easily. Anchoring and fastening in the succeeding reassembly operation becomes difficult.

Application No. 10/665,500  
Amendment dated December 6, 2006  
Second Preliminary Amendment

Docket No.: 2450-0552P

The Examiner has modified the Wu patent in view of the Ferchau et al. patent. However, the Ferchau et al. patent teaches mounting of fans by push-on fasteners to speed up initial assembly and to make replacement of the fans easier (note column 2, lines 36-38). This is again discussed in column 5, beginning at line 30, where fans are mounted to the circuit board 14 using conventional spring clip push mounts 84, 85. If one were to modify the mounting arrangement of Wu in view of the teachings of Ferchau et al., it is respectfully submitted that the fan of Wu would be mounted by a spring clip push mount. This is the teaching found in the Ferchau et al. patent. The anchor structure for fans of the present invention would neither be suggested nor rendered obvious by the utilized prior art.

The Examiner, however, is using a mounting arrangement shown in Fig. 2d of Ferchau et al. This modification seems improper since Ferchau et al. teaches mounting a fan using spring clips. The arrangement shown in Fig. 2d is for the block 31. This block has connectors 32, 37. Thus, this is a mounting arrangement for a block and connectors and not for the fan.

The Examiner has responded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. However, there is a specific teaching of how a fan should be mounted in the Ferchau et al. patent. If one were to modify the fan of Wu, then it would be this push-on fasteners of Ferchau et al. which would be taught. The Ferchau et al. patent teaches the advantage of speeding up initial assembly thus suggesting this is how the fan should be mounted. There is no teaching of the defects recognized by the inventors in this prior art and as such the motivation to use a different attachment arrangement is not found in the references. The Examiner is picking elements to use in a rejection using the instant disclosure as a blue print without having motivation provided in the utilized references themselves. Such a hindsight reconstruction is impermissible.

Nonetheless, even assuming *en arguendo* that the Fig. 2d mounting arrangement could be used for mounting the fan of Wu, the anchor structure of the present invention would not be suggested. Claim 1 recites a first fastening element and a second fastening element. The

Application No. 10/665,500  
Amendment dated December 6, 2006  
Second Preliminary Amendment

Docket No.: 2450-0552P

first fastening element has a through hole while the second fastening element runs from a front end of the through hole to engage with the fastening element. A length of the second fastening element is less than the length of the through hole. An interior of the first fastening element and second fastening element have interconnecting threads for a rigid screw connection.

In the Fig. 2d arrangement of Ferchau et al., on the other hand, the screw 47 extends completely through the through hole. The exterior head 43 and end can be seen on both sides of the through hole in Fig. 2d. Thus, the arrangement of a length of the second fastening element being less than a length of the through hole is not shown. Ferchau et al. specifically teaches that this design is desired. In particular, in column 4, lines 16-22, a nut and washer combination is provided with a stand-off 51 which is longer than the hole 45. Fasteners 43 loosely mount connector 37 so that connectors 32, 37 can shift or float relative to one another. As column 4 lines, 22-23 conclude, this float helps reduce the effect of tolerance build-up to help ensure proper mating of the connectors. Thus, Ferchau et al. teaches away from a rigid screw connection. Moreover, if the second fastening element was not longer than the through hole, then you could not get this floating design. As noted above, however, independent claim 1 provides for the second fastening element to have a length less than the through hole and the first and second fastening elements have interconnecting threads for a rigid screw connection.

The Examiner ignores this distinction by improperly alleging that this limitation is considered an obvious matter of design choice. No new matter rejection has been given as this feature is a part of applicant's original disclosure. It is the entire anchor structure as set forth in independent claim 1 which is being recited in this claim. It is improper for the Examiner to simply ignore a limitation, much less make a modification of the prior art which is taught away from in the prior art.

The additional secondary reference to Boeve et al is for a cradle assembly adapted to be re-assembled into a bed stead for adults. Certainly, this seems to be non-analogous art to an anchor structure for fans as recited in claim 1. Nonetheless, since the Ferchau et al. and Wu references can not be combined as noted above, this patent does not add to the rejection. The claimed invention would not be rendered obvious.

Application No. 10/665,500  
Amendment dated December 6, 2006  
Second Preliminary Amendment

Docket No.: 2450-0552P

Apart from the independent claim 1, the dependent claims further define the invention. For example, dependent claim 12 brings out that a first fastening element has a cap on one end which completely covers the end of the first fastening element. The first fastening element is the element with the through hole. The standoff 51 of Ferchau et al. has both ends open so that the screw 47 can pass therethrough. Thus, one end of the first fastening element is not completely covered with a cap in the Ferchau et al. arrangement.

In dependent claim 13, the first fastening element has an open and closed end. If one end of Ferchau et al.'s stand-off 51 were closed, the desired floating arrangement as discussed above could not be obtained.

Nonetheless, it is respectfully submitted that independent claim 1 sets forth an anchor structure which is neither suggested nor rendered obvious by the prior art utilized by the Examiner. As such, it is respectfully requested that all claims should be in condition for allowance. The 35 USC 103 rejections now be reconsidered and withdrawn.

In view of the foregoing amendments and remarks, reconsideration of the rejections and allowance of the instant application are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

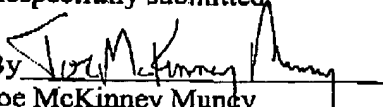
Application No. 10/665,500  
Amendment dated December 6, 2006  
Second Preliminary Amendment

Docket No.: 2450-0552P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 6, 2006

Respectfully submitted,

By   
Joe McKinney Muncy  
Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant